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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,850	07/16/2001	Shinichi Yoshinaga	107342-07002	7012
4372	7590	05/18/2006	EXAMINER	
AREN'T FOX PLLC 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			APPLE, KIRSTEN SACHWITZ	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/904,850	YOSHINAGA ET AL.
	Examiner Kirsten S. Apple	Art Unit 3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

16 July 2001 and

1) Responsive to communication(s) filed on 15 August 2001.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 2-4, 9, 11 and 13-22 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 2-4, 9, 11 & 13-22 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 16 July 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>07-16-01</u> <u>08-09-01</u>	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

Detailed Action

This action is in response to the application filed on 07/16/01.

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. JAPAN HEI 8-119402 filed on 05/14/1996.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 4 & 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular claim 2 is indefinite and the examiner did not understand:

“to display and register the base item that is unselectable in the selected set”

It is unclear to the examiner and one of ordinary skill in the art what is claimed by this description. For the purposes of this review the examiner will interpret the claim to be:

“to display and register the base item from a selected set”

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2-4, 9, 11 & 13-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Mueller US Patent 5,235,509.

Re claim 2: Mueller discloses:

A panel display method of an order receiving POS terminal (see Mueller, title)

POS terminal includes a display unit that displays a touch panel formed of plural keys (see Mueller, Figure 7)

Touching keys allotted to sets of articles on a touch panel (see Mueller, Figure 7)

To display and register the base item from a selected set (see Mueller, Figure 7)

To pop-up display an optional touch panel, each optional item corresponding to an individual option item in the selected set, with one item being selected (see Mueller, Figure 13, item 274, described in column 17, line 20-30)

Touching a selected one of the optional item keys (see Mueller, Figure 13, item 274, described in column 17, line 20-30)

Re claim 3: Mueller discloses:

A panel display method of an order receiving POS terminal (see Mueller, title)

When set is ordered (see Mueller, Figure 7)

Displaying base item (see Mueller, Figure 7)

Pop-up display a touch panel corresponding to an individual optional item (see Mueller, Figure 13, item 274, described in column 17, line 20-30)

Selecting and registering a number of optional items (see Mueller, Figure 13, item 276-286, described in column 17, line 20-30)

Until after number of optional items reaches a predetermined value (see Mueller, Figure 13, item 288, described in column 17, line 20-30)

Holding pop-up display on display unit (see Mueller, Figure 13, item 288, described in column 17, line 20-30)

Re claim 4: Mueller discloses:

Holding pop-up display until number of optional items reaches a predetermined value (see Mueller, Figure 13, item 288, described in column 17, line 20-30)

Re claim 9: Mueller discloses:

A panel display method of an order receiving POS terminal (see Mueller, title)

Displaying a touch panel having: (see Mueller, Figure 7)

Memory key: first memory storing order information for which payment is complete, second memory key for which a payment is not complete (see Mueller, Figure 1, item 14)

First and second memory calling keys (see Mueller, Figure 1, item 14)

Displaying first screen to register an article (see Mueller, Figure 1, item 16)

Displaying second screen for payment (see Mueller, Figure 1, item 16)

Re claim 11: Mueller discloses:

A display unit for displaying a touch panel (see Mueller, Figure 7)

A first memory (see Mueller, Figure 1, item 14)

A second memory (see Mueller, Figure 1, item 16)

A control unit (see Mueller, Figure 1, item 112)

Touch panel (see Mueller, Figure 1, item 24)

Re claim 13: Mueller discloses:

When a plurality of items is selected (see Mueller, Figure 13, item 276-286, described in column 17, line 20-30)

Holding pop-up touch panel after reaches the sum (see Mueller, Figure 13, item 288, described in column 17, line 20-30)

Re claim 16: Mueller discloses:

A panel display method of an order receiving POS terminal (see Mueller, Figure 7)

Displaying an order inputting screen including an item key for registering ordered commodities (see Mueller, Figure 1, item 24), a first ten key section for inputting number of commodities, a statement display unit for displaying information about ordered commodities which are registered, and a first function key unit for executing functions

Displaying upon account process after completion an account screen including statement display unit, (see Mueller, Figure 8) a second ten key unit for inputting amount, a sum displaying section, deposit displaying section for display amount deposited money, and a second function key unit for executing each corresponding functions

Displaying after completed, another order inputting screen

Re claim 17: Mueller discloses:

An order receiving terminal comprising: (see Mueller, Figure 7)

A display unit (see Mueller, Figure 1, item 14)

A control unit (see Mueller, Figure 1, item 12)

The remaining details have similar limitation to claim 16 and would be reject on the same basis as claim 16.

Re claim 18: Mueller discloses:

A recording medium (see Mueller, Figure 1, item 46)

The remaining details have similar limitation to claim 16 and would be reject on the same basis as claim 16.

Re claim 14-15 & 19-22:

The following claims listed below in the following format have duplicate content.

Therefore, the New Claim is rejected based on the information provided regarding

Previous Claim.

14=13

15= 2+4

19=2

20 = 2

21 = 2

22 = 2

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on 571.272.6799. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa



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